

**REMARKS****Summary of the Office Action dated June 20, 2001 (Paper No. 4)**

Claims 1-7, 11-13, 15-20, 25-30, 34, 37-43, 47 and 50-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi et al. (U.S. Patent 5,307,084) (hereinafter "Yamaguchi") in view of Tanaka (U.S. Patent No. 5,438,290) (hereinafter "Tanaka").

Claims 8, 9, 14, 21, 22, 31-33 and 44-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi in view of Tanaka as applied to claims 1, 8 and 10 above, and further in view of Weber et al. (U.S. Patent No. 5,081,400) (hereinafter "Weber").

Claims 1-53 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,111,555.

Claims 2-3, 10, 12-14, 16, 17, 21-24, 26, 27, 31-33, 39, 40, 42-46, and 52-53 stand rejected as being dependent upon a rejected base claim.

Claims 10, 23, 35, 36, 48 and 49 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**Summary of Notice of Non-Compliant Amendment dated April 21, 2004 (Paper No. 12)**

The Notice of Non-Compliant Amendment dated April 21, 2004 (Paper No. 12) states that the amendment document filed on October 20, 2003 is considered non-compliant because it has failed to meet the requirements of 37 C.F.R. § 1.121, as amended on June 30, 2003.

**Calculation of Period for Response**

Examiner Alecia Nelson is thanked for the courtesies extended to Mr. Kent E. Basson of Morgan, Lewis & Bockius LLP, who first contacted Examiner Nelson in mid May 2004 to inquire as to the proper deadline for filing the instant response in this application. Examiner Nelson returned Mr. Basson's telephone call on May 19, 2004 to inform him that she had confirmed with her supervisors that the extensions of time under 37 C.F.R. § 1.136(a) for filing a response in this application are calculated from the date on which the renewed petition to revive was filed on March 18, 2004. Accordingly, the current deadline for filing a response in this application is June 18, 2004 with a three-month extension of time. As stated above, a petition for a three-month extension of time is being concurrently filed with the instant Amendment, together with its corresponding fee payment.

**Summary of the Response to the Office Action and Notice of Non-Compliant Amendment**

This amendment is being provided to remedy the previous non-compliant Amendment. As such, Applicants have amended claims 2-3, 10, 12-14, 16, 17, 21-24, 26, 27, 31, 35, 39, 40, 42-44, 48, and 52-53 to differently describe the invention. Claims 1, 4-9, 11, 15, 18-20, 25, 28-30, 34, 37-38, 41, 47, and 50-51 are canceled without prejudice or disclaimer. Accordingly, claims 2-3, 10, 12-14, 16-17, 21-24, 26-27, 31-33, 35-36, 39-40, 42-46, 48-49, and 52-53 remain pending for consideration.

**The Rejections under 35 U.S.C. § 103(a)**

Claims 1-7, 11-13, 15-20, 25-30, 34, 37-43, 47 and 50-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi in view of Tanaka. Claims 8, 9, 14, 21, 22, 31-

33 and 44-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi in view of Tanaka as applied to claims 1, 8 and 10 above, and further in view of Weber. Claims 2-3, 10, 12-14, 16, 17, 21-24, 26, 27, 31-33, 39, 40, 42-46, and 52-53 stand rejected as being dependent upon a rejected base claim.

Claims 1, 4-9, 11, 15, 18-20, 25, 28-30, 34, 37-38, 41, 47, and 50-51 have been canceled without prejudice or disclaimer. Accordingly, the rejections of these claims in the outstanding Office Action have been rendered moot. To the extent that these rejections might be reapplied to the remaining claims, as newly-amended, they are respectfully traversed as follows.

The Examiner is thanked for the indication that claims 10, 23, 35, 36, 48 and 49, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In accordance with the Examiner's indication of allowable subject matter in dependent claims 10, 23, 35 and 48, each of these claims has been newly-amended to generally rewrite them in independent form. However, minor changes to some of the claims have been made to improve their form. Nevertheless, Applicants respectfully submit that the claims are in condition for allowance at least for similar reasons as those expressed by the Examiner in the Office Action dated June 20, 2001.

Withdrawal of the outstanding rejections under 35 U.S.C. § 103(a), as well as the outstanding claim objections, are thus respectfully requested.

### **Double Patenting Rejection**

Claims 1-53 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of U.S. Patent No. 6,111,555. As noted

above, claims 1, 4-9, 11, 15, 18-20, 25, 28-30, 34, 37-38, 41, 47, and 50-51 have been canceled without prejudice or disclaimer. Accordingly, the double patenting rejections of these claims in the outstanding Office Action have been rendered moot.

Moreover, Applicants have amended each of claims 10, 23, 35 and 48 to generally rewrite them in independent form, in accordance with the Examiner's indication of allowable subject matter. Accordingly, it is unclear whether the double patenting rejections apply to these claims in light of the Examiner's indication of allowable subject matter.

Withdrawal of the outstanding double patenting rejections are thus respectfully requested.

### **Conclusions**

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

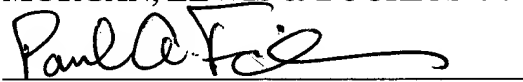
including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: June 18, 2004

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